

Hamish Thomson

From: jakearnold@windstream.net
Sent: Friday, April 28, 2017 10:37 AM
To: Hamish Thomson
Subject: Fwd: SVJ Comments to NNMC BOR
Attachments: SVJ Comments for BOR 24April2017.docx

Hamish--

Forwarded message with attachment below is FYI.

BTW--the last of the four whistleblower lawsuits against NNMC is going to actual (jury) trial in Tierra Amarilla Monday 5/1/17. Unlike the other three, the parties were not able to reach a pre-trial settlement.

The Monument Case, in which the college is not protected by the state Risk Management Division's coverage, also appears headed to trial (next year), but is in the last stages of the deposition phase. If this case does go to trial, it will also be before a jury.

Monument has achieved substantial procedural victories and can now proceed with its claims of fraud/deceptive trade practices (against not only the college as an institution, but against certain officials as individuals) in addition to the purely contractual-violation claims. If Monument prevails in this matter, the potential liability for the college/individual officials is in the \$500,000 to \$1 million range.

--Jake

From: jakearnold@windstream.net
To: "Amy F. Pena" <amy.pena@nnmc.edu>
Subject: SVJ Comments to NNMC BOR
Date: Wednesday, April 26, 2017 10:28 AM

Amy--

Attached is a document with several pages--each page covers our commentary (la Sociedad Venceslao Jaramillo) to the NNMC Board of Regents Monday 4/24/17. All but one page (Post Graduate Athlete Project) deals with the JAG audit findings/issues related to those findings. One page (actually two pages in length--Regents) is meant to be more of a rough-draft sketch/guide for verbal presentation (as I delivered the commentary re: this issue Monday) and it includes excerpts from the JAG audit with our "corrections" (noted as "[sic]") to errors in that audit report.

The text of all of the other pages is meant to be our actual position and commentary as written therein. The commentary of the attachment expands--and in some instances may clarify--our verbal presentation on Monday.

This document may contain typos/butchered text--no third-party proofreading. Call me with any questions need for clarifications.

I am sending a copy of the attachment directly to Dr. Bailey, but I assume you will forward copies of that document to the individual members of the Board of Regents.

--Jake

Hamish Thomson

From: Kevin Sourisseau
Sent: Monday, April 24, 2017 4:44 PM
To: Hamish Thomson
Subject: FW: Northern NM College

fyi

From: Scott Eliason, CPA [mailto:Scott@JAGnm.com]
Sent: Monday, April 24, 2017 3:06 PM
To: Kevin Sourisseau <Kevin.Sourisseau@osa.state.nm.us>
Cc: Audrey J. Jaramillo, CPA, CFE <Audrey@JAGnm.com>
Subject: Northern NM College

Hi Kevin

Just a heads up.

Audrey and I spoke with Max Rudmann, member of the post audit group with the US Department of Education in Washington DC.

He is following up on the audit findings related to US Department of Education funding and asked whether the College was moving forward with a "forensic special audit" as we recommended in finding 2016-002. We told Max that if there was a "forensic special audit", your division would oversee the process.

We provided him your contact information. He may be calling or emailing you in the next couple of days.

Scott

Scott Eliason, CPA
Partner

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Hamish Thomson

From: Hamish Thomson
Sent: Wednesday, December 7, 2016 1:17 PM
To: 'JakeArnold@windstream.net'
Subject: RE: Errors in Memo re: NNMC BOR Terms of Office

Jake —

Thank you for the clarification. This information is useful.

Hamish

From: Jake Arnold [mailto:JakeArnold@windstream.net]
Sent: Wednesday, December 7, 2016 9:46 AM
To: Hamish Thomson <Hamish.Thomson@osa.state.nm.us>
Subject: Errors in Memo re: NNMC BOR Terms of Office

Hamish—

Somehow the memo re: the terms of NNMC Board of Regents members I sent you some time ago may have gotten garbled re: dates.

Chayo Garcia was appointed to the BOR by Gov. Martinez in early 2011—at the beginning of the governor's first term in office. The State Senate confirmed Chayo's appointment on March 12, 2011. Regents serve for six years and Chayo's term as a regent technically began on January 1, 2011. Chayo succeeded Theresa Martinez, whose term expired on 12/31/2010.

Chayo's term as a regent expires 12/31/16. But (according to Denish v. Johnson) she may serve until her successor is nominated by the governor/confirmed by the State Senate. That court case establishes that all regents' terms technically expire on 12/31 of last year of the term. The governor could, of course, nominate Chayo to serve an additional term if Chayo is willing.

Attached is a copy of the NNMC BOR minutes from March 22, 2011. Those minutes confirm Chayo's appointment, confirmation and the length of her term. Oddly, those minutes contain a typographical error regarding the date of Chayo's confirmation by the State Senate. Her confirmation was 3/12/2011, not 3/12/2010.

The dates mentioned in my memo re: Regents Powers and De Herrera and ex-Regent Donald Martinez Jr. are accurate.

The NNMC website continues to have errors re: the regents' terms.

--Jake

Hamish Thomson

From: Jake Arnold <JakeArnold@windstream.net>
Sent: Thursday, August 4, 2016 11:21 AM
To: Hamish Thomson
Subject: Dr. Ricky Bailey Resume/CV
Attachments: Bailey Resume.pdf; Bailey Contract.pdf

Please see attachment for Dr. Bailey's telephone numbers, (legal) family home mailing address. Note that his cell number is Colorado based, but his "office" number is at the School of Advanced Air and Space Studies, a unit of The Air University (run by the U.S. Air Force) at Maxwell AFB in Montgomery, Alabama.

Also attached is the contract between Bailey and NNMC. The "yet to be determined" provisions remain "yet to be determined." Note also the sloppy (duplicative) composition of this document and the confusing provision re: housing for Dr. Bailey at the campus in El Rito—extremely poor legal work on the part of college general counsel Tony Ortiz. Ortiz needs to enroll in a remedial, English Composition 101 course at NNMC.

Dr. Bailey informs me that the unsettled contractual details should all be resolved within the next couple of weeks. Dr. (Col.) Bailey is flying back to Montgomery today. He will return to this area for the 8/15/16 NNMC fall convocation. Then back to The Air University at Maxwell and then finally here on a permanent basis beginning 10/17/16., staying here perhaps a couple of days on that occasion. Dr. Bailey is using his accrued vacation time (from the SAAS) to make these trips back here. He is obligated to continue his duties at the SAAS until 10/17/16. He doesn't anticipate any additional trips back here later in August or in September.